

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR'S DOCKET: HARTAL=1B
In re Application of:) Art Unit: 1761
Dov HARTAL et al.) Examiner: C. Sherrer
Appln. No.: 09/449,093) Washington, D.C.
Date Filed: 11/24/99) October 30, 2000
For: NATURAL COLORING PRODUCTS) MONDAY

REPLY: RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

Replying to the restriction requirement Office
Action of September 29, 2000, Paper No. 5, applicants
respectfully and provisionally elect Group I, presently claims
1-28, without prejudice and without traverse.

Applicants accept that the claims of the respective
groups I and II are patentably distinct from one another, i.e.
each defines *prima facie* non-obvious subject matter from the
other consistent with the definition of "patentably distinct"
appearing in MPEP § 802.01. The standards of obviousness
being the same (1) for patentable distinctness for purposes of
restriction and (2) under section 103, applicants respectfully
request the PTO to use the same standard in evaluating



RECEIVED
NOV 1 2000
TC 1700 MAIL ROOM

16-1-00
Dw

applicants' invention against the prior art, i.e. applicants request the PTO to not use a double standard.

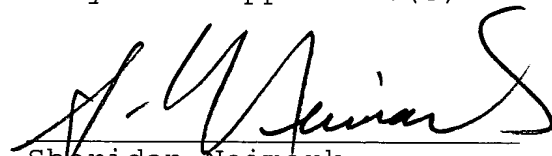
In view of the election of group I without traverse, applicants hereby authorize the Examiner to cancel claims 29-40 (of course without prejudice to applicants' rights, including those rights provided by sections 121 and 120 to proceed without any penalty with a divisional application directed to the non-elected subject matter) by Examiner's Amendment if the present application is otherwise in condition for allowance.

Applicants respectfully await the results of an examination on the merits, and respectfully request favorable consideration.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By


Sheridan Neimark
Registration No. 20,520

SN:jaa
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
F:\,M\MAKH\Hartel1B\Pto\Restriction reply 30oct00.doc

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Dov HARTAL et al
 Application No.: 09/449,093
 Filed: 11/24/99
 For: NATURAL COLORING PRODUCTS



Art Unit: 1761
 Examiner: C. Sherrer
 Washington, D.C.
 Atty.'s Docket: HARTAL=1B
 Date: October 30, 2000
MONDAY

THE COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

Sir:

Transmitted herewith is a [☒] **REPLY: RESTRICTION REQUIREMENT** in the above-identified application.

[☐] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted

[☐] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

[☒] No additional fee is required.

The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 28	MINUS	** 40	
INDEP.	* 7	MINUS	*** 7	
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

ADDITIONAL FEE TOTAL

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 40	\$
+ 135	\$
ADDITIONAL FEE TOTAL	
	\$

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 80	\$
+ 270	\$
TOTAL	
	\$

OR

OR

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[☒] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[☐] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
 Response Filed Within
 [☐] First - \$ 55.00
 [☐] Second - \$ 195.00
 [☐] Third - \$ 445.00
 [☐] Fourth - \$ 695.00
 Month After Time Period Set

Other Than Small Entity
 Response Filed Within
 [☐] First - \$ 110.00
 [☐] Second - \$ 390.00
 [☐] Third - \$ 890.00
 [☐] Fourth - \$ 1390.00
 Month After Time Period Set

[☐] Less fees (\$) already paid for month(s) extension of time on .

[☐] Please charge my Deposit Account No. 02-4035 in the amount of \$.

[☐] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$.

[☐] A check in the amount of \$ is attached (check no.).

[☒] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK

Attorneys for Applicant(s)

By:
 Sheridan Neimark
 Registration No. 20,520

Facsimile: (202) 737-3528
 Telephone: (202) 628-5197

RECEIVED
 NOV - 1 2000
 TC 1700 MAIL ROOM